

REMARKS

Applicant respectfully requests further examination and reconsideration in view of the arguments set forth fully below. Claims 1-33 were previously pending in the present application. Claims 10-16 and 26-33 have been previously withdrawn. Within the Office Action, Claims 1-33 have been rejected. By way of the above amendment, Claims 1-6 and 17 have been amended
5 have been amended and new Claims 34-42 have been added. Accordingly, Claim 1-42 are now pending in this application.

Rejections Under 35 U.S.C. § 112, second paragraph:

10 Within the Office Action, Claims 1-9 and 17-25 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Specifically, it is stated within the Office Action that the term “system” is considered to be objectionable.

15 Note that the term “system” had been deleted from Claims 1-9 and 17-25 in a previous communication and the term “composite material” has been used instead of a “system,” at the suggestion of the Examiner.

The phrase “composite material” is clearly supported within the Specification of the present Application. [Specification; page 4, lines 5-10] Accordingly, Applicant respectfully
20 requests that the rejections of the Claims 1-9 and 17-25 under 35 U.S.C. §112, second paragraph, be withdrawn.

Also note that Claims 10-16 and 26-33 have been previously withdrawn in response to an earlier election/restriction requirement. Accordingly, only Claim 1-9 and 17-25 and 34-42 are being addressed in this response. If the earlier presented election/restriction requirement is being
25 withdrawn, the Applicant kindly requests that such action be indicated in the subsequent Office Action.

Rejections Under 35 U.S.C. § 112, first paragraph:

30 Within the Office Action, Claims 1-9 and 17-25 have also been rejected under 35 U.S.C. §112, first paragraph, as having breadth not adequately supported by the specification. Specifically, it is stated within the Office Action that the specification discloses “particularly defined” structures that are not commensurate with the breadth of the Claims and again the term “system” is objected to as being too broad.

As state above, the term “system” had been deleted from Claims 1-9 and 17-25 in a previous communication. Also, each of the independent Claims 1 and 17 have now been amended to recite specific structural features that should greatly facilitate the ability to understand the intending meaning and breadth of the claimed composite material. Accordingly, Applicant respectfully requests that the rejections of Claims 1-9 and 17-25 under 35 U.S.C. §112, first paragraph, be withdrawn.

Rejections Under 35 U.S.C. § 102(a, b or e)

Within the Office Action Claims 1-9 and 17-25 been rejected under 35 U.S.C. § 102(a, b or e) as being anticipated by Ataei, Mehdi pour et al.; WO Publication No. 9603114; Japanese Publication No. 2000273319; Hajipour, Absol and Reza et al (Abstract); Macdonald and Robert et al.(Abstract); or Japanese Publication No. 2001106909.

Applicant respectfully traverse these rejections for the following reasons, while the prior art appears the use of heterocyclic nitrogen compounds that can react with carboxylic acid compounds to form polymers which include heterocyclic structures and amide linkages, none of the prior art teaches making such polymers with hetero-atoms being positioned beta relative to nitrogen atoms forming the amide linkages of the polymer composite material, such as currently claimed in each of the independent Claims.

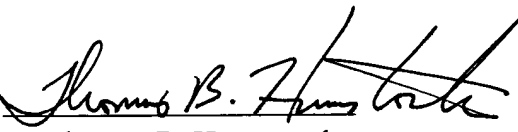
As noted above, structural features have now been added to each of the independent Claims 1 and 17 and have also been included in the new independent Claim 34 to facilitate the understanding of what is meant by the claimed amide back-bone structure. For at least these reasons, each of the independent Claims 1, 17 and 34 are allowable over the teachings of Ataei, Mehdi pour et al.; WO Publication No. 9603114; Japanese Publication No. 2000273319; Hajipour, Absol and Reza et al (Abstract); Macdonald and Robert et al.(Abstract); or Japanese Publication No. 2001106909.

Claims 2-9 are all dependent on the independent Claim 1; Claims 18-25 are all dependent on the independent Claim 17; and Claims 35-42 are all dependent on the new independent Claim 34. As described above, the independent Claims 1, 17 and 35 are all allowable over the teachings of Ataei, Mehdi pour et al.; WO Publication No. 9603114; Japanese Publication No. 2000273319; Hajipour, Absol and Reza et al (Abstract); Macdonald and Robert et al.(Abstract); or Japanese Publication No. 2001106909. Accordingly, Claims 2-9, 18-25 and 35-42 are also all allowable as being dependent on an allowable base claims.

No new subject matter has been added by way of this amendment. The Applicant respectfully submits that Claims 1-9, 17-25 and 34-42 are now in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, the Examiner is encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,
HAVERSTOCK & OWENS LLP

Dated: 6-28-06

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CERTIFICATE OF MAILING (37 CFR § 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP
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